IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 30966 of 2007(J)

PETITIONER:

T.K.KRISHNA DAS,
STOREKEEPER, GOVERNMENT TAXT BOOK DEPOT.,
THALASSERY, KANNUR DISTRICT, RESIDING AT
'SWETHA', TEMPLE GATE, THALASSERY,
KANNUR DISTRICT.

BY ADV. SRI.K.RAMAKUMAR
SRI.A.SAMEER

RESPONDENTS:
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1. **THE DIRECTOR OF PUBLIC INSTRUCTIONS,**
   THIRUVANANTHAPURAM.

2. **THE DEPUTY DIRECTOR OF EDUCATION,**
   KANNUR.

3. **THE DISTRICT EDUCATIONAL OFFICER,**
   THALASSERY.

4. **THE HEAD MASTER,**
   GOVERNMENT HIGH SCHOOL, KAVUMBAGOM,
   KANNUR DISTRICT.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO. 30966 of 2007

Dated this the 31st day of October, 2007

JUDGMENT

The petitioner, a U.D.Clerk, was provisionally appointed as Store Keeper, by Order dated 28.4.2005 (Ext.R2[a]) and posted at the District Text Book Depot (DTBD) at Thalassery. While so, he was suspended pending a vigilance enquiry. Later an order was passed on 4.8.2007 revoking his suspension. But on revocation, the petitioner was posted as a Clerk in GHS, Kavumbhagom by Ext.P1 order. Petitioner challenges Ext.P1 order on the premise that on revocation of his suspension, he is entitled to be put back in the post which he was occupying at the time of suspension and if the apprehension of the respondents is regarding possible interference by the petitioner in the pending vigilance investigation, it is open to them to post him as a Store Keeper, any where in the State.

2. In a statement filed on behalf of the second respondent, it is pointed out that there is nothing wrong in the petitioner being posted as a U.D.Clerk on revocation of his suspension because the petitioner has all along functioned as a U.D.Clerk. By Ext.R2(a), he along with others were

provisionally appointed as Store Keeper, but it was made clear in Ext.R2(a) that the petitioner will not have any preferential claim for higher ranks in the general seniority list of L.D.Clerks and U.D.Clerks of the department by virtue of such provisional appointment. There is also a reference in the statement, to the vigilance enquiry pending against the petitioner.

3. After having heard the learned counsel for the petitioner and the learned government pleader, I am of the view that since the petitioner was functioning as a Store Keeper on the date of suspension, he is entitled to be put back as a Store Keeper on revocation of his suspension. At the time of his suspension, the petitioner was working in the DTBD, Thalassery. It is made clear that the respondents are entitled to post the petitioner in any other Text Book Depot, anywhere in the State. This shall be done within a period of three weeks from the date of receipt of a copy of this judgment.

4. I should also note that under Ext.R2(a), the petitioner was appointed as a Store Keeper on a purely provisional basis and in the circumstances, it will be always open to the respondents to consider whether the said provisional

appointment as a Store Keeper should continue or not. It is made clear that this judgment will not in any manner affect the said right of the respondents.

Subject to this, the writ petition is disposed of.

V. GIRI, JUDGE

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